

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.2694 OF 2017
AND CMP NO.12864 OF 2017

Subramanian

... Petitioner

Vs.

Janakiraman

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.12.2015 made in I.A.No.736 of 2015 in O.S.No.153 of 2015 on the file of the Additional District Munsif, Villupuram.

For Petitioner : Mr.C.Munusamy

ORDER

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This Civil Revision Petition is directed against the order dated 09.12.2015 passed in I.A.No.736 of 2015 in O.S.No.153 of 2015, allowing the plaintiff / respondent herein, to make amendment in the plaint.

2. The Trial Court, after considering the contentions raised by both the parties, has permitted the plaintiff/respondent to make amendment in the plaint. While allowing the application, the Trial Court has also observed that in the event of allowing amendment, the defendant/petitioner will be given an opportunity, to file additional written statement. At the same time, if the amendment is not allowed, it will lead to multiplicity of proceedings. With these findings, the Trial Court has allowed the application filed for amending the plaint. Challenging the same, the petitioner / defendant has preferred the present Civil Revision Petition.

3. A perusal of the records, it is found that the amendment sought for does not affect or prejudice the rights of the other side. It appears to be genuine. Since the trial had not commenced, the Trial Court has rightly allowed the amendment.

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4. This Court finds no reason to interfere with the decision taken by the Trial Court. The petitioner has come up with the present Civil Revision Petition after two years. Now, the matter is posted for cross

examination of P.W.1. Therefore, the order passed by the Trial Court need not be interfered. In so far as the claim to file additional written statement as indicated in the order is concerned, it is open to the petitioner to work out his remedy before the Trial Court, in accordance with law.

5. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
TK

To

The Additional District Munsif
Villupuram.

07.08.2017

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M.GOVINDARAJ, J.

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